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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   DAMIAN ANTONIO MOUTON,   No. 2:24-cv-01771-EFB (PC)

12   Plaintiff,

13   v.   ORDER AND FINDINGS AND
                                               RECOMMENDATIONS
14   MILLER, et al.,

15   Defendants.

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17   Plaintiff is a state prisoner proceeding pro se in this action brought pursuant to 42 U.S.C. §

18   1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C.

19   § 636(b)(1).

20   On April 28, 2025, the court ordered plaintiff to pay the filing fee or file an application to

21   proceed in forma pauperis within 30 days. ECF No. 3. Plaintiff has not responded to the order.

22   Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district

23   judge to this action. It is further RECOMMENDED that the case be dismissed without prejudice

24   for failure to pay the filing fee.

25   These findings and recommendations are submitted to the United States District Judge

26   assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

27   after being served with these findings and recommendations, any party may file written

28   objections with the court and serve a copy on all parties. Such a document should be captioned

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"Objections to Magistrate Judge's Findings and Recommendations." Any response to the

objections shall be served and filed within fourteen days after service of the objections. The

parties are advised that failure to file objections within the specified time may waive the right to

appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*

v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: November 10, 2025

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE